_____
Name

_____
Address

_____
City State Zip Code

_____
Phone Number
PETITIONER PRO SE

MONTANA _____ JUDICIAL DISTRICT COURT
_____ COUNTY

The Marriage of: _____, Petitioner (*Your Name),* and _____, Respondent (*Your Spouse's Name*).	Cause No.: _____ **Petitioner's [ ] Proposed / [ ] Final Parenting Plan**

1. Identification of the Parties

a. Petitioner's Name: _____

Address: _____

b. Respondent's Name: _____

Address: _____

2. Identification of the Child(ren)

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This parenting plan applies to the following minor child(ren) of the parties:

Full Name: _____ Date of Birth: _____

State of residence for last six months: _____.

Full Name: _____ Date of Birth: _____

State of residence for last six months: _____.

Full Name: _____ Date of Birth: _____

State of residence for last six months: _____.

Full Name: _____ Date of Birth: _____

State of residence for last six months: _____.

Full Name: _____ Date of Birth: _____

State of residence for last six months: _____.

If needed, attach additional sheets as Exhibit _____.

3. Objectives of the Parenting Plan

a. To protect the best interest(s) of the minor child(ren);

b. To provide for the physical care of the minor child(ren);

c. To maintain the child(ren)'s emotional stability and minimize the child(ren)'s exposure to parental conflict;

d. To provide for the minor child(ren)'s changing needs as they grow and mature;

e. To set forth the authority and responsibilities of each parent with respect to the minor child(ren);

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f. To help the parents avoid expensive future court battles over the minor child(ren).

4. Residential Schedule for the Child(ren) *The provisions set forth below in Paragraphs 4(a)-(i) are one way to write your residential schedule. This schedule is designed to provide for the child(ren)'s changing needs as they grow and mature. It specifies the periods of time during which the child(ren) will reside with each parent, including holidays, vacations, and other special occasions. If you choose not to use the provisions provided, you may write your own schedule in Paragraph 4(j) below.*

a. Pre-School Schedule (Choose One):

[ ] There are no child(ren) under school age.

[ ] There are child(ren) under school age, but the school schedule set forth in 4(b) below shall apply to the child(ren) regardless of their age(s).

[ ] Prior to enrollment in school, the child(ren) shall reside primarily with the [ ] Mother / [ ] Father, except for the following days and times when the other parent shall have parenting time with the child(ren):

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or

[ ] *Describe the residential schedule for the minor child(ren) prior to their enrollment in school:*

b. School Schedule (Choose One):

[ ] Upon enrollment in school, the child(ren) shall reside with the [ ] Mother / [ ] Father, except for the following days and times when the other parent shall have parenting time with the child(ren):

or

[ ] *Describe the residential schedule for the minor child(ren)*:

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c. Holiday and Special Occasion Schedule

[ ] No holiday and special occasion schedule shall apply. The school year or pre-school schedule set forth above shall apply.

or

[ ] The following schedule shall apply for the holidays and special occasions listed below:

	With Mother	**With Father**
Holiday / Special Occasion	Specify (Odd / Even / Every) Year	Specify (Odd/ Even / Every) Year
New Year's Day		
Martin Luther King Day*		
President's Day*		
Easter		
Mother's Day		
Memorial Day*		
Father's Day		
July 4th		
Labor Day*		
Halloween		

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Veteran's Day*		
Thanksgiving		
Christmas Eve		
Christmas Day		
Mother's Birthday		
Father's Birthday		
Child(ren)'s Birthday		

Choose All That Apply:

[ ] Unless otherwise noted below, holidays/special occasions shall begin at _____ a.m. and end at _____ p.m.

[ ] Holidays which fall on a Friday or a Monday and which are traditionally considered three day holidays (as noted by an asterisk (*) above) [ ] shall not / [ ] shall include the Saturday and Sunday immediately preceding or following the holiday.

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[ ] Thanksgiving shall begin on (day and time)

and shall extend until (day and time)

[ ] Christmas Eve shall begin on (day and time)

and shall extend until (day and time)

[ ] Christmas Day shall begin on (day and time)

and shall extend until (day and time)

[ ] The child(ren)'s school attendance shall take priority over the holiday and special day schedule. The child(ren) shall not miss school because of the holiday or special occasion schedule.

d. Winter Vacation (Choose One):

[ ] No winter vacation schedule shall apply. The school year or pre-school schedule set forth above shall apply.

or

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[ ] (i) The parent exercising parenting time with the child(ren) on Christmas Eve (as outlined above) shall have the following additional parenting time with the child(ren) over winter vacation:

(ii) The parent exercising parenting time with the child(ren) on Christmas Day (as outlined above) shall have the following additional parenting time with the child(ren) over winter vacation:

or

[ ] *Describe the residential schedule for the child(ren)'s winter vacation*:

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e. Summer Vacation (Choose One):

[ ] No summer vacation schedule shall apply. The school year or pre-school schedule set forth above shall apply.

or

[ ] The child(ren) shall reside with the [ ] Mother / [ ] Father during summer vacations, except for the following days and times when the child(ren) shall be with the other parent:

or

[ ] *Describe the residential schedule for the child(ren)'s summer vacation*:

f. Spring Break (Choose One):

[ ] No Spring Break schedule shall apply. The school year or pre-school schedule set forth above shall apply.

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or

[ ] The child(ren) shall reside with the [ ] Mother / [ ] Father during Spring Break, except for the following days and times when the child(ren) shall be with the other parent:

or

[ ] *Describe the residential schedule for the child(ren)'s Spring Break*:

g. Other Vacations with Parents

Describe the schedules for any other vacations with the parents:

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h. Priorities under the Residential Schedule

If the residential schedule outlined above results in a conflict where the child(ren) are scheduled to be with both parents at the same time, the conflict shall be resolved by priority being given as follows:

[ ] Rank the order of priority, with 1 being the highest priority

_____ Preschool and School Schedule

_____ Holidays/Special Occasions

_____ Winter / Summer / Spring Break Vacations

_____ Other Vacations With Parents

or

[ ] Other:

i. Supervised and Limited Visitation (Choose One):

[ ] The residential schedule listed above is not subject to any additional restrictions or limitations on parenting time.

or

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[ ] (i) The [ ] Mother's / [ ] Father's parenting time shall be supervised or limited because he/she has exhibited the following behavior which is not in the best interest(s) of the minor child(ren):

(ii) It is in the best interest(s) of the minor child(ren) that the [ ] Mother's / [ ] Father's parenting time be subject to the following conditions:

How Often/ For How Long:

Where:

Supervised by Whom:

(iii) The supervised and limited visitation conditions shall take priority over any other terms of the residential schedule above.

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(iv) If the [ ] Mother / [ ] Father has completed the following and has followed through with any and all recommendations by the evaluator, treatment counselor, and/or other professional recommendations, the [ ] Mother / [ ] Father agrees to consider a modification to allow less restricted visitation after _____ months of supervised and limited visitation. (Check All That Apply):

[ ] Alcohol / drug evaluation

[ ] Substance abuse treatment

[ ] Psychological evaluation

[ ] Anger management counseling

[ ] Parenting classes

[ ] Other: _____.

[ ] Other: _____.

j. Other:

5. Designation of Custodian

For the purpose of all other state and federal statutes which require a designation or determination of custody, the [ ]

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Mother / [ ] Father shall be designated the custodian. However, this designation shall not affect either parent's rights and responsibilities under this parenting plan.

6. Transportation Arrangements (Choose All That Apply):

[ ] Transportation arrangements for the child(ren) between parents shall be as follows:

[ ] Unless both parents agree upon a different meeting place, the exchange of the child(ren) shall be at:

[ ] Transportation costs shall be distributed as follows:

[ ] If the [ ] Mother / [ ] Father is more than _____ minutes late to pick the child(ren) up for a visit, that visit shall be canceled.

7. Telephone Contact (Choose One):

[ ] While the child(ren) reside with one parent, the other parent shall be permitted to speak with the child(ren) at reasonable times.

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or

[ ] While the child(ren) reside with one parent, the other parent shall be permitted to speak with the child(ren) at the following times only:

8. Co-Parenting Guidelines (Choose All That Apply):

[ ] Each parent shall promote a healthy, beneficial relationship between the child(ren) and the other parent and shall not demean or speak out negatively in any manner that would damage the relationship between either parent and the child(ren).

[ ] Each parent shall notify the other parent at least _____ days in advance when a particular parenting time shall not be exercised. The missed time shall not be substituted unless mutually agreed to by both parents. The parents are expected to fairly modify visitation when family necessities, illnesses, or other commitments reasonably so require. The requesting parent shall act in good faith and give as much notice as circumstances permit.

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[ ] Each parent shall supply the appropriate child(ren)'s clothing with them for their scheduled time with the other parent. These clothes are to be considered the child(ren)'s clothes and shall be returned with the child(ren).

[ ] Each parent shall provide separate clothes for the child(ren) at their own residence, unless mutually agreed to by both parents. In the cold months of the year, both parents are required to have adequate boots, gloves, hats, and jackets for the child(ren), unless mutually agreed to by both parents.

[ ] If a parent plans a special activity that requires clothing and/or equipment that would normally not be with the child(ren), it is that parent's responsibility to check and see if the child(ren) have such clothing and/or equipment with the other parent, to ask that the clothing and/or equipment travels with the child(ren), and to ensure that the clothing and/or equipment returns the same with the child(ren).

[ ] Each parent shall be responsible for ensuring that the child(ren) attend regularly scheduled activities, including but not limited to sports and extra-curricular activities, while the child(ren) are with that parent.

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[ ] Neither parent shall permit the child(ren) to be subjected to (Choose All That Apply):

- [ ] Persons abusing alcohol or using illegal drugs within 24 hours of contact with the child(ren). This includes the abuse of alcohol or the use of illegal drugs by the parent.
- [ ] Smoking environment.
- [ ] Use of profane language.
- [ ] Removal of the child(ren) from Montana, except as authorized by the Court or mutually agreed to by both parents.
- [ ] Other: _____.
- [ ] Other: _____.
- [ ] Any violation of these terms will result in the immediate termination of that parent's contact with the child(ren).

[ ] Relationships between the child(ren) and relatives and family friends on both sides of the family shall be protected and encouraged. The parents shall have their child(ren) maintain ties with both the maternal and paternal relatives. In Montana, grandparents have a legal right to request a court to order reasonable visitation with their grandchild(ren), if it is in the best interest(s) of the

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child(ren). Usually the child(ren) will visit with the paternal relatives during times the child(ren) are with their father and with the maternal relatives during times they are with their mother.

9. Decision Making

a. Day-to-Day Decisions

Each parent shall be authorized to make decisions regarding the day-to-day care and control of the child(ren) while the child(ren) are residing with that parent, unless or except as provided below (Choose All That Apply):

[ ] Sole decision making shall be granted to the [ ] Mother / [ ] Father for the following reasons:

[ ] Major decisions concerning the child(ren)'s education shall be made by [ ] the Mother / [ ] the Father / [ ] both parents jointly.

[ ] Major decisions concerning the non-emergency health care of the child(ren) shall be made by [ ] the Mother / [ ] the Father/ [ ] both parents jointly.

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[ ] Major decisions concerning the spiritual development of the child(ren) shall be made by [ ] the Mother / [ ] the Father / [ ] both parents jointly.

[ ] The consent of both parents shall be required before any minor child(ren) shall be permitted to (Choose All That Apply):

[ ] Get a tattoo

[ ] Pierce any body part

[ ] Marry

[ ] Enlist in the armed services

[ ] Other: _____.

[ ] Other: _____.

[ ] Other: _____.

[ ] Other: _____.

b. Emergency Decisions

Regardless of the allocation of decision making in this parenting plan, each parent shall be authorized to make emergency decisions affecting the health or safety of the child(ren).

10. Access to Information

a. As required by M.C.A. § 40-4-225, both parents shall have access to all information relating to their child(ren)

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including, but not limited to, school records, counseling records, medical and dental records.

b. As required by M.C.A. § 40-4-204(6)(a), both parents shall update each other and the Court with written notice of changes to the following information:

(i) Residential and mailing addresses;

(ii) Telephone number;

(iii) Social Security number;

(iv) Driver's license number;

(v) Name, address, and phone number of employers;

(vi) Health insurance coverage for the child(ren);

(vii) Health insurance available through either parent's employer which could cover the minor child(ren).

[ ] It is appropriate that the personal information of the [ ] Mother / [ ] Father shall remain confidential and shall not be provided to the other parent because:

11. Residential Changes

As required by M.C.A. § 40-4-217, if a parent's change in residence will significantly affect the other parent's contact with

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the child(ren), written notice shall be served personally or sent by certified mail to the other parent not less than 30 days before the proposed change in residence and must include a proposed revised residential schedule. Proof of service must be filed with the court that adopted the parenting plan. Failure of the parent who receives notice to respond to the written notice or to seek amendment of the residential schedule within the 30-day period constitutes acceptance of the proposed revised residential schedule.

12. Review of Parenting Plan (Optional)

[ ] The parents will review this parenting plan at the following times:

13. Dispute Resolution

The following shall apply when disputes arise between the parents in carrying out or amending this parenting plan (Choose One):

[ ] No alternative dispute resolution process, except court action, shall apply unless ordered at the discretion of the Court.

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[ ] No alternative dispute resolution process is appropriate. The following limiting factors exist, as provided in M.C.A. § 40-4-219(9) (Choose All That Apply):

[ ] This is a case of physical abuse or threat of physical abuse by one parent against the other parent or the child(ren).

[ ] A parent has been convicted of deliberate homicide, mitigated deliberate homicide, sexual assault, sexual intercourse without consent, deviate sexual conduct with an animal, incest, aggravated promotion of prostitution of a child, endangering the welfare of children, partner or family member assault, or sexual abuse of children.

or

[ ] a. Disputes between the parents shall be submitted to mediation, counseling, or arbitration by:

b. The cost of this process shall be allocated between the parents as follows
(Choose One):

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[ ] Based on each parent's proportional share of income as determined from the child support worksheet.

[ ] As determined in the dispute resolution process.

[ ] Mother: _____% , Father: _____%.

c. A parent will begin the dispute resolution process by notifying the other parent by written request sent by certified mail.

d. In the dispute resolution process:

(i) Preference shall be given to carrying out this parenting plan.

(ii) Unless an emergency exists, the parents shall use the designated process to resolve disputes relating to implementation of the plan, except those related to financial support.

(iii) A written record shall be prepared of any agreement or arbitration award reached in counseling or mediation, and a copy shall be provided to each parent.

(iv) If the court finds that a parent has used or frustrated the dispute resolution process without good reason, the court may award

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attorney's fees and financial sanctions to the other parent.

(v) The parents have the right of review from the dispute resolution process to the district court.

14. Other Provisions:

WARNING: One parent's failure to comply with a provision of the parenting plan will not affect the other parent's obligation to comply with the parenting plan. Violation of any provision of this order with actual knowledge of its terms is punishable by contempt of court and may be a criminal offense under M.C.A. §§ 45-5-631 or 45-7-309. Violation of the Final Parenting Plan may subject a violator to arrest and a fine up to $500 or imprisonment in the county jail.

Declaration for Proposed Parenting Plan *(Only complete the following section if this is a Proposed Parenting Plan. Do not date and sign if this is the Final Parenting Plan.*)

DATED this _____ day of _____, 20___.

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_____
Petitioner Pro Se

STATE OF MONTANA)
) ss.
COUNTY OF _____)

_____ being first duly sworn on oath, says that he/she is the [ ] Petitioner /[ ] Respondent in the above-entitled proceeding; that he/she has read the foregoing Parenting Plan and knows the contents thereof; and that the matter, facts and things stated therein are true to the best of his/her knowledge and belief.

_____
Petitioner Pro Se

_____
Print Name

SUBSCRIBED AND SWORN to before me this _____ day of _____, 20___.

_____
Name *(printed)*: _____
(Seal) Notary Public for the State of Montana
Residing at _____
My Commission Expires _____

Order by the Court *(Leave the following section blank. It will be completed by the Court if this document is adopted as the Final Parenting Plan.)*

DATED this _____ day of _____, 20___.

_____
DISTRICT COURT JUDGE

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